

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Graham Edmund KELLY ) Group Art Unit: 1616  
)  
Application No.: 09/986,509 ) Examiner: Edward J. Webman  
)  
Filed: November 9, 2001 ) Confirmation No. 5532  
)  
For: **TREATMENT OR REDUCTION** )  
**OF MENOPAUSAL SYMPTOMS** )  
)

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the enclosed IDS Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), please charge the fee of \$180.00 as specified by Section 1.17(p) to Deposit Account No. 06-0916.

Copies of the listed non-patent literature documents are enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56,

and thus, Applicant should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the enclosed Form PTO/SB/08.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the enclosed form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 17, 2007

By: Elisabeth Barek  
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